



085 U.S. PTC

# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for nonprovisional applications under 37 CFR § 1.53(b))

Attorney Docket No.

UBAT1110

First Inventor or Application Identifier

Stephen F. Smith, et al.

Title

HYBRID SPREAD SPECTRUM RADIO SYSTEM

Express Mail Label No.

EV338102546US

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

1. ☒ Fee Transmittal for FY 2003  
(Submit an original and a duplicate for fee processing)
2. ☒ Specification [Total Pages] **43**  
(preferred arrangement set forth below)
- ☒ Descriptive Title of the Invention
- ☒ Cross References to Related Applications
- ☒ Background of the Invention
- ☒ Summary of the Invention
- ☒ Brief Description of the Drawings (if filed)
- ☒ Description of Preferred Embodiments
- ☐ References
- ☒ Claim(s)
- ☒ Abstract of the Disclosure
3. ☒ Drawing(s) (as USC 112) [Total Sheets] **14**
4. ☐ Oath or Declaration [Total Pages] \_\_\_\_\_
- a. ☐ Unexecuted (original or copy)
- b. ☐ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 17 completed)
- i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting  
inventor(s) named in the prior application,  
see 37 CFR 1.63(d)(2) and 1.33(b)
5. ☐ Incorporation By Reference (useable if box 4b is checked).  
The entire disclosure of the prior application, from  
which a copy of the oath or declaration is supplied  
under Box 4b, is considered to be part of the disclosure  
of the accompanying application and is hereby  
incorporated by reference therein.

6. ☐ Microfiche Computer Program (Appendix)
7. Nucleotide and Amino Acid Sequence Submission  
(if applicable, all necessary)
- a. ☐ Computer-Readable Copy
- b. ☐ Paper Copy (identical to computer copy)
- c. ☐ Statement verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

8. ☐ Assignment Papers (cover sheet & document(s))
9. ☐ 37 CFR 3.73(b) Statement  
(when there is an assignee) ☐ Power of Attorney
10. ☐ English Translation Document (if applicable)
11. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
12. ☐ Preliminary Amendment
13. ☒ Return Receipt Postcard
14. ☐ Small Entity ☐ Statement filed in prior application,  
Status still proper and desired
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☒ Other: Certificate of Mailing

17. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment

☐ Continuation ☐ Divisional ☐ Continuation-In-Part (CIP) of prior Application No.: \_\_\_\_\_

Prior application information: Examiner \_\_\_\_\_ Group / Art Unit \_\_\_\_\_

☐ Claims the benefit of Provisional Application No. \_\_\_\_\_

## CORRESPONDENCE ADDRESS:

Gray Cary Ware & Freidenrich LLP  
1221 South MoPac Expressway, Suite 400  
Austin, TX 78746-6875  
Tel. (512) 457-7233  
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Customer No.:

25094

TYPED or PRINTED NAME John J. Bruckner

REGISTRATION NO. 35,816

SIGNATURE

DATE: December 31, 2003

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL  
for FY 2003**

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) **2046.00****Complete if Known**

<b>Application Number</b>	<b>Unknown</b>
<b>Filing Date</b>	<b>December 31, 2003</b>
<b>First Named Inventor</b>	<b>Stephen F. Smith, et al.</b>
<b>Examiner Name</b>	<b>Unknown</b>
<b>Art Unit</b>	<b>Unknown</b>
<b>Attorney Docket No.</b>	<b>UBAT1110</b>

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☒ NoneDeposit Account Number  
Deposit Account Name

The Commissioner is authorized to: (check all that apply)

- ☐ Charge (fees) indicated below. ☐ Credit any overpayments
- ☐ Charge any additional fee(s) during the pendency of this application
- ☐ Charge fee(s) indicated below, except for filing fee to the above-identified deposit account.

**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	375	Utility filing fee	770.00
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

**SUBTOTAL (1) (\$) 770.00****2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims		Extra Claims		Fee from below		Fee Paid	
87	-20**	47	X	18		848.00	
Independent Claims	8	-3**	5	88		430.00	
Multiple Dependent			X				

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	260	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2) (\$) 1276.00**

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	850	Petition to revive - unintentional	
1501	1,300	2501	850	Utility issue fee (for reissue)	
1502	470	2502	235	Design issue fee	
1503	830	2503	315	Plant issue fee	
1480	130	1480	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(a)	
1808	180	1808	180	Disclosure of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR § 1.129(e))	
1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\* Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) (\$) \_\_\_\_\_****SUBMITTED BY**

<b>Name (Print/Type)</b>	<b>John J. Bruckner</b>
<b>Signature</b>	<i>John J. Bruckner</i>

<b>Registration No. (Attorney/Agent)</b>	<b>35,816</b>
--	---------------

**Complete( if applicable)**

<b>Telephone</b>	<b>512-457-7233</b>
<b>Date</b>	<b>12/31/03</b>

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

Gray Cary/AU4/119947.1

Copied from 10817759 on 08/31/2004

<b>IN THE UNITED STATES PATENT AND TRADEMARK OFFICE</b>	
<b>CERTIFICATE OF MAILING BY "EXPRESS MAIL"</b>	Atty Docket No. (Optional) <b>UBAT1110</b>
<b>Mail Stop Patent Application</b> Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	In the Application of: <b>Stephen F. Smith, et al.</b>
	Date Filed: <b>December 31, 2003</b>
	Title: <b>HYBRID SPREAD SPECTRUM RADIO SYSTEM</b>

Sir:

I hereby certify that the attached Utility Patent Application Transmittal Form, Fee Transmittal, Utility Patent Application, fourteen (14) pages of Drawings and Postcard are being deposited with the United States Postal Service "EXPRESS MAIL Post Office to Addressee" service under 37 C.F.R. § 1.10, Mailing Label Certificate No. **EV338102546US**, on **December 31, 2003** addressed to: **Mail Stop Patent Application**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Respectfully submitted,

**Gray Cary Ware & Freidenrich LLP**

  
 Laura M. McGuire

**EV338102546US**

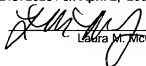
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE	
<b>COMMUNICATION REGARDING MISSING APPLICATION</b>	Atty. Docket. No. <b>UBAT1110</b>

In re Application of: <b>Stephen F. Smith et al.</b>	
Application No.: <b>Unknown</b>	Filed: <b>December 31, 2003</b>
For: <b>Hybrid Spread Spectrum Radio System</b>	
Group Art Unit: <b>Unknown</b>	Confirmation No. <b>Unknown</b>

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Certificate of Mailing Under C.F.R. 1.10**

I hereby certify that this document is being deposited with the U.S. Postal Service as Express Mail No. EV338102435US in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Washington, D.C. 20231 on **April 2, 2004**.

  
Laura M. McGuire

Dear Sir:

On December 31, 2003, the undersigned filed the above-referenced patent application (attorney docket no. UBAT1110) with the U.S. Patent and Trademark Office. Applicant has not yet received a date stamped postcard indicating this application's serial number. On April 1, 2004, Applicant performed a status inquiry on the above-noted application using the U.S. Patent Office's PAIR system. Applicant was unable to locate this application in the PAIR database.

A complete copy of the application as filed on December 31, 2003 is enclosed. Also enclosed as Appendix A is a copy of the U.S. Post Office stamped Express Mail Label No. EV338102546US receipt for the above-referenced application. Enclosed as Exhibit B is a tracking notification from official USPS records indicating that Applicant sent the above-referenced patent application (attorney docket no. UBAT1110) via Express Mail No. EV338102546US to the U.S. Patent and Trademark Office on December 31, 2003. It is noted that the USPS records indicate that the above-reference patent application was received and signed for by the U.S. Patent and Trademark Office on January 2, 2004.

Attorney Docket No.

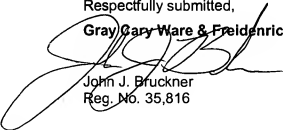
UBAT1110

Customer ID 25094

Applicant hereby requests that the Commissioner for Patents grant a filing date of December 31, 2003, and an official serial number, to the above-referenced application (true and complete copy enclosed) and return the original stamped return postcard and/or the enclosed stamped return postcard evidencing the receipt of this application on December 31, 2003 together with the serial number for this application. Should there be any questions or concerns, please call the undersigned directly at (512) 457-7233.

The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-0456 of Gray Cary Ware & Freidenrich, LLP.

Respectfully submitted,

**Gray Cary Ware & Freidenrich LLP**  
John J. Bruckner  
Reg. No. 35,816

Dated: April 2, 2004

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